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LONDON AND PARIS FOR NEA WATCHER

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TAGS: PHUM PGOV PREL KDEM KPAO TS

SUBJECT: HIGHER COMMISSION FOR HUMAN RIGHTS: INDEPENDENT,
BUT TOOTHLESS?

REF: A. TUNIS 434

1B. TUNIS 169

1C. TUNIS 39

1D. 07 TUNIS 770

Classified By: Ambassador Robert F. Godec for reasons 1.4 (b) and (d)

Summary

11. (C) During a May 2 meeting with the Ambassador, Higher Commission for Human Rights and Fundamental Liberties (HCHR) President Moncer Rouissi outlined the progress of new legislation giving the HCHR greater independence. The changes, however, look good on paper but may end up being mostly cosmetic. After a promising start (Ref D), the GOT seems to be reigning in Rouissi, who did not stray from GOT talking points on human rights. Rouissi also dwelt on the ongoing problems of the Tunisian Human Rights League (LTDH), which he blamed on LTDH President Mokhtar Trifi's ineffective leadership. Separately, Trifi told PolOffs on April 29 that Rouissi has been reluctant to engage the LTDH. While the LTDH is open to mediation of its ongoing "crisis," Trifi said, the LTDH is having difficulty finding an interlocutor in the GOT. End Summary.

HCHR Talks the Talk, Kind Of

12. (C) Higher Commission for Human Rights and Fundamental Liberties (HCHR) President Moncer Rouissi welcomed the chance to brief the Ambassador on the status of legislation giving the HCHR more independence. The institution was founded by presidential decree, and Rouissi opined that parliamentary legislation confers more legitimacy. Rather than being dependent on the Prime Ministry for its budget, once the legislation is passed, the HCHR will become a separate line item in the budget. The law grants more fiscal and administrative autonomy, and also allows the HCHR to "address the public directly." At the moment, the HCHR acts as a sounding board and mediator, but does not proactively conduct outreach, nor are any of its reports made public. According to Rouissi, under the new legislation, the commission would still report to the president, but it would also be able to make public statements. The proposed law also confers authority to recommend changes to Tunisian law in order to better conform Tunisian human rights law to international law. According to Rouissi, the most important change proposed in the draft legislation is that the new commission will be able to select which issues it would like to focus on or investigate. Currently, the HCHR can only launch inquiries at President Ben Ali's behest.

¶3. (C) The Ambassador stressed to Rouissi that the Embassy would welcome a dialogue on human rights, but Rouissi sidestepped the offer by saying that "international organizations" are outside the HCHR's current mandate, and suggesting that the Ambassador raise the issue with the Ministry of Foreign Affairs or the Ministry of Justice and Human Rights (MOJHR). (Note: The Ambassador has already made the same request to the Minister of Foreign Affairs and the other senior GOT officials. The MOJHR has declined to meet with Post's Human Rights Officer for over a year.) As one of the HCHR's primary duties involves inspecting prisons, the Ambassador remarked that the Embassy has received multiples reports of sub-standard prison conditions, most recently those of imprisoned journalist Slim Boukhdhir (Ref B). Rouissi became defensive, repeating multiple times that prison conditions had improved considerably during the last several years. He went so far as to say, "We don't hear anymore of bad treatment in Tunisian prisons...it's basically been eliminated." Rouissi characterized Boukhdhir as "a case for the media." He did acknowledge, however, that the period before prisoners are transferred into Ministry of Justice custody, during which they are in Ministry of Interior custody, warrants further scrutiny.

Around and Around and Around They Go...

¶4. (C) The Ambassador's inquiry about Rouissi's efforts to resolve the ongoing LTDH "crisis" provoked another lengthy defense. Despite various attempts at mediation, a drawn-out legal battle (commonly referred to as the LTDH "crisis") has virtually paralyzed all activities of the LTDH, the Arab world's oldest human rights league (Ref C). Rouissi claimed

that the LTDH situation was close to a resolution in June 2007, after he met with representatives from both factions. At that time, he assured Trifi that he could hold meetings at the LTDH headquarters in Tunis to debate the proposal, as long as he did not attempt to hold a national council meeting. Trifi subsequently issued a press release calling for all chapters of the LTDH to meet and discuss the negotiated agreement, which triggered a renewed police presence that halted all meetings. Rouissi insinuated to the Ambassador that Trifi is incompetent, untrustworthy, and lacks the confidence of the LTDH central committee. At one point, he also claimed that factions within the LTDH like the ongoing paralysis because it gives them a chance to play the victim.

¶5. (C) During PolOffs, April 29 meeting with Trifi, he countered that Rouissi has refused to speak with him since December 2007. Trifi opined that he is open to meeting with those who filed suit against the LTDH, but feels that any settlement must be blessed by the LTDH's membership at large, in order to avoid a repeat of the legal wrangling that led to the crisis in the first place. He also noted that the LTDH's central committee has developed a "roadmap," a document which Rouissi refuses to accept. Rouissi alluded to Trifi's letter in his meeting with the Ambassador, saying that he didn't need to see the plan because he was sure it wouldn't contain anything he hadn't already seen before. Trifi told PolOffs that while the LTDH is open to mediation, it is having difficulty finding an interlocutor in the GOT now that Rouissi is no longer willing to play that role.

Comment

¶6. (C) In practice, the new legislation may do little to affect the HCHR's day-to-day operations, and little in Rouissi's demeanor indicated that he is willing to take advantage of what increased freedom the new legislation does offer. Whether the HCHR is a line item in the Prime Ministry's budget or the overall budget is essentially irrelevant, as both budgets are drafted by officials of the

ruling Democratic Constitutional Rally (RCD) party at the President's behest. President Ben Ali has the power to make any of the HCHR's reports public, but has not done so to date. It is unlikely that even with its newfound ability to address the public the commission would publish anything on human rights without the Presidency's express approval. The same is true of any investigations it might care to launch.

¶7. (C) Though Rouissi had some initial success acting as a liaison between civil society and the GOT (Ref B), the GOT seems to have reined him in. He did not deviate from GOT talking points on human rights, and was defensive at several points during the meeting. Rouissi had the chance to push for meaningful change; resolving the LTDH's difficulties would have been a feather in the GOT's cap. Sufficient international pressure might prompt the GOT to encourage a resolution, but given French President Sarkozy's recent positive comments on human rights (Ref A), getting France and EU member states on board will be a hard sell. End Comment.
GODEC